

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	4:11CR3117
Plaintiff,)	
)	TENTATIVE FINDINGS ON REVISED
v.)	MODIFIED PRESENTENCE
)	INVESTIGATION REPORT
RICARDO CARRANZA-BELTRAN,)	
)	
Defendant.)	
_____)	

The only objection to the Revised Modified Presentence Investigation Report is by the defendant, denying paragraph 28, which asserts that, "According to the Lexington (NE) Police Department, the defendant is an active member of the Sur Trece street gang."

I tentatively find that the Revised Modified Presentence Investigation Report is accurate, except for paragraph 28. An evidentiary hearing will be required regarding paragraph 28. The defendant's Motion for Downward Departure/Variance from Guidelines requests an evidentiary hearing and that request will be granted. The evidentiary hearing shall be held at the time of the sentencing. If oral testimony is desired, the identification of the person or persons shall be made at least three days before the hearing and the length of time desired shall be requested at the same time.

Objections to the tentative findings may be made at the time of the sentencing.

Dated January 9, 2012.

BY THE COURT

s/ Warren K. Urbom
United States Senior District Judge